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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

CHARLES WILLY ALPINE, A/K/A  
CHARLES WILLY MCALPINE,

*Plaintiff,*

v.

SHERIFF TOMMY THOMAS,

*Defendant.*

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CIVIL ACTION NO. H-06-4086

**ORDER ON DISMISSAL**

Charles Willy Alpine, also known as Charles Willy McAlpine, a Harris County Jail inmate, filed this suit under 42 U.S.C. § 1983 alleging violation of his civil rights. He proceeds *pro se* and seeks leave to proceed *in forma pauperis*. Alpine complains of the dissatisfactory performance of ink pens provided by jail officials to indigent inmates, and that pencils can no longer be used in the law library. This lawsuit will be dismissed because Alpine is barred from proceeding *in forma pauperis*.

A national prisoner litigation index shows that Alpine has filed over thirty-one lawsuits in the federal district courts, including transfers. The index shows that at least six of these cases were dismissed as frivolous, malicious, or for failure to state a claim on which relief may be granted. *See Alpine v. Thomas*, C.A. No. H-05-cv-2782 (S.D. Tex. 2005) and the cases cited therein. When Alpine filed each of these cases, he was incarcerated in a


prison or other detention facility. The district courts dismissed these cases before Alpine filed the instant complaint.

Under 28 U.S.C. § 1915(g), a prisoner is not allowed to bring a civil action *in forma pauperis* in federal court if on three or more occasions, while incarcerated, he brought an action or appeal which the court dismissed as frivolous, malicious, or for failure to state a claim on which relief may be granted, unless he is under imminent danger of serious bodily injury. Alpine's allegations here do not show that he is in danger of imminent serious bodily harm.

Accordingly, this case is **DISMISSED** under 28 U.S.C. § 1915(g). The application to proceed *in forma pauperis* (Docket Entry No. 2) is **DENIED**. Any and all other pending motions are **DENIED AS MOOT**.

The Clerk will provide a copy of this order to the parties.

Signed at Houston, Texas, on January 3, 2007.



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Gray H. Miller  
United States District Judge